

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN SENATE JULY 2, 2013

AMENDED IN ASSEMBLY APRIL 23, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1290

Introduced by Assembly Member John A. Pérez

February 22, 2013

An act to amend Sections 14502, 14504, 14506, 14522, 14522.3, 14536, 65080, and 65082 of the Government Code, ~~and to amend Section 75125 of the Public Resources Code,~~ relating to transportation.

LEGISLATIVE COUNSEL’S DIGEST

AB 1290, as amended, John A. Pérez. Transportation planning.

Existing law creates the California Transportation Commission, with various powers and duties relative to the programming of transportation capital projects and allocation of funds to those projects, pursuant to the state transportation improvement program and various other transportation funding programs. Existing law provides that the commission consists of 13 members, including 11 voting members, of which 9 are appointed by the Governor subject to Senate confirmation and 2 are appointed by the Legislature. In addition, 2 members of the Legislature are appointed as ex officio members without vote.

This bill would provide for 2 additional voting members of the commission to be appointed by the Legislature. The bill would also provide for the ~~Secretary of the Transportation Agency, the Chairperson of the State Air Resources Board, and the Director of Housing and Community Development Board~~ to serve as *an* ex officio ~~members~~ *member* without vote.

Existing law requires the Governor, in appointing members to the California Transportation Commission, to make every effort to assure that there is a geographic balance of representation on the commission.

This bill would also require each appointing power to make every effort to assure that expertise in the transportation community that has not traditionally been represented on the commission is reflected in future appointments to the commission, with a particular emphasis on stakeholders involved and engaged in, among other things, efforts to make California's transportation system more sustainable.

Existing law provides for the commission to organize itself into various committees, including the Committee on Planning, which, among other things, is responsible for monitoring the transportation planning and programming process. *Existing law requires each transportation planning agency to adopt a regional transportation plan for its area. Existing law requires transportation planning agencies designated as metropolitan planning organizations in urban areas to adopt a sustainable communities strategies or alternative planning strategies as part of their regional transportation plans, relative to attaining certain greenhouse gas reduction targets.*

This bill would provide that the commission's Committee on Planning is also responsible for monitoring outcomes from ~~land development and transportation investments in accordance with~~ the sustainable communities strategy *or alternative planning strategy* required to be adopted by transportation planning agencies as part of the regional transportation plan.

~~Existing law authorizes the commission to prescribe study areas for analysis and evaluation by transportation planning agencies, and guidelines for the preparation of regional transportation plans, in cooperation with those agencies.~~

~~This bill would require the commission to biennially prescribe and receive a brief report from each transportation planning agency, beginning on or before October 15, 2014, describing progress in implementing the sustainable communities strategy and in attaining greenhouse gas emission reductions~~ *each transportation planning agency that is required to prepare a sustainable communities strategy or alternative planning strategy as part of its regional transportation plan to provide the commission with a copy of the strategy and a brief report describing the progress the agency has made in reducing greenhouse gas emissions.* The bill would ~~require each transportation planning agency's report to include an assessment of the regions's~~

~~progress made, along with any~~ *provide that the report may also outline the challenges facing the region, with respect to its ability to implement policies and projects set forth in the sustainable communities strategy that affect implementation of the plan and attainment of the greenhouse gas reduction targets.* The bill would provide that the report shall not be binding on future regional transportation plans or funding decisions, as specified. The bill would also provide that the report shall not constitute an alternative ~~under~~, or a foundation for, future analysis, under the California Environmental Quality Act.

Existing law requires the commission to prepare and submit an annual report to the Legislature on various topics.

This bill would require the annual report to include a summary *by the commission's Committee on Planning* ~~of the assessment of the commission and the Strategic Growth Council of progress around the state toward state objectives of greenhouse gas emission reductions, from patterns of ongoing land development and transportation investments its actions in monitoring implementation and outcomes from the sustainable communities strategies or alternative planning strategies adopted by transportation planning agencies.~~

Existing law requires each transportation planning agency, on a biennial basis, to prepare and submit to the commission a regional transportation improvement program containing transportation capital projects identified for funding through the next cycle of the 5-year state transportation improvement program.

This bill would require the regional transportation improvement program to include a discussion of how the program relates to the region's adopted sustainable communities ~~strategy~~ *or alternative planning strategy. The bill would provide that this discussion shall not be binding on future regional transportation improvement programs or funding decisions, as specified, and shall not constitute an alternative, or a foundation for future analysis, under the California Environmental Quality Act.*

~~Existing law creates the Strategic Growth Council consisting of various state agencies, with certain powers and duties relative to the identification and review of activities and funding programs of those agencies in order to achieve specified objectives.~~

~~This bill would require the council to report annually to the California Transportation Commission on steps that it has taken in that regard.~~

By imposing additional requirements on transportation planning agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14502 of the Government Code is
2 amended to read:

3 14502. The commission consists of ~~18~~ 16 members appointed
4 as follows:

5 (a) Nine members shall be appointed by the Governor with the
6 advice and consent of the Senate. Two members shall be appointed
7 by the Speaker of the Assembly and two members shall be
8 appointed by the Senate Committee on Rules, with none of these
9 members subject to confirmation by the Senate. A member
10 appointed pursuant to this subdivision shall not simultaneously
11 hold an elected public office, or serve on any local or regional
12 public board or commission with business before the commission.

13 (b) (1) One Member of the Senate appointed by the Senate
14 Committee on Rules and one Member of the Assembly appointed
15 by the Speaker of the Assembly shall be ex officio members
16 without vote and shall participate in the activities of the
17 commission to the extent that such participation is not incompatible
18 with their positions as Members of the Legislature.

19 (2) ~~The Secretary of the Transportation Agency, the Chairperson~~
20 ~~of the State Air Resources Board, and the Director of Housing and~~
21 ~~Community Development Board shall be an ex officio member~~
22 ~~without vote and shall participate in the activities of the~~
23 ~~commission to the extent that such participation is not incompatible~~
24 ~~with their positions~~ *his or her position* in the executive branch.

25 (c) Notwithstanding any other provision of law, a voting member
26 of the commission may serve on the High-Speed Rail Authority
27 as established in Division 19.5 (commencing with Section 185000)
28 of the Public Utilities Code.

1 SEC. 2. Section 14504 of the Government Code is amended
2 to read:

3 14504. In appointing members, the Governor shall make every
4 effort to assure that there is a geographic balance of representation
5 on the commission as a whole, with members from the northern
6 and southern areas and from the urban and rural areas of the state.

7 The Governor, the Speaker of the Assembly, and the Senate
8 Committee on Rules shall make every effort to assure that
9 transportation expertise that has not traditionally been represented
10 on the commission is reflected in appointments to the commission,
11 with a particular emphasis on stakeholders involved and engaged
12 in, among other things, efforts to make California's transportation
13 system more sustainable.

14 Each member of the commission shall represent the state at large.

15 SEC. 3. Section 14506 of the Government Code is amended
16 to read:

17 14506. In order to perform its duties and functions, the
18 commission shall organize itself into at least the following four
19 committees:

20 (a) The Committee on Aeronautics, which shall consider issues
21 related to aeronautics.

22 (b) The Committee on Streets and Highways, which shall
23 consider issues related to streets and highways.

24 (c) The Committee on Mass Transportation, which shall consider
25 issues related to the movement of groups of people within urban
26 areas, and between rural communities and between cities.

27 (d) The Committee on Planning, which shall be responsible for
28 transportation planning related issues, including, but not limited
29 to, monitoring the transportation planning and programming
30 process and monitoring outcomes from ~~land development and~~
31 ~~transportation investments in accordance with the~~ sustainable
32 communities strategies *or alternative planning strategies adopted*
33 *by transportation planning agencies* pursuant to Chapter 2.5
34 (commencing with Section 65080) of Division 1 of Title 7 and
35 recommending to the commission the allocation of federal and
36 state funds available for planning and research. *The committee*
37 *may consult with the State Air Resources Board and the*
38 *Department of Housing and Community Development for technical*
39 *assistance in carrying out its functions.*

SEC. 4. Section 14522 of the Government Code is amended to read:

14522. (a) In cooperation with the regional transportation planning agencies, the commission may prescribe study areas for analysis and evaluation by such agencies and guidelines for the preparation of the regional transportation plans.

~~(b) The commission shall prescribe and, on or before October 15 of each even-numbered year beginning in 2014, receive, from regional transportation planning agencies required to prepare a sustainable communities strategy, a brief report describing progress in implementing sustainable communities strategies and attaining state greenhouse gas emission reductions, pursuant to subdivision (e) of Section 65080. After receiving the second set of reports due in October 2016, the commission may, after consulting with transportation planning agencies, prepare guidelines to ensure that these reports are concise, coherent, focused on state objectives, and comparable across the state.~~

(b) (1) Within two years of adopting a regional transportation plan, a transportation planning agency required to adopt a sustainable communities strategy or alternative planning strategy, if applicable, shall provide the commission with a copy of the strategy and a brief report describing the progress the agency has made in reducing greenhouse gas emissions pursuant to subdivision (e) of Section 65080. The report may also outline the challenges that affect implementation of the plan and attainment of the greenhouse gas emissions reduction target.

(2) The multicounty transportation planning agency described in Section 130004 of the Public Utilities Code shall consult with the county transportation commissions created pursuant to Sections 130050, 130050.1, and 132800 of the Public Utilities Code in the development of the report required by paragraph (1).

(3) The report submitted pursuant to paragraph (1) and any provision contained in the report shall not be binding on future regional transportation plans prepared by, or funding decisions made by, the transportation planning agency or a county transportation commission, and shall not constitute an alternative, or a foundation for future analysis, under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

1 (4) *Paragraph (1) shall be applicable to a transportation*
2 *planning agency that has adopted a regional transportation plan*
3 *with a sustainable communities strategy or alternative planning*
4 *strategy prior to January 1, 2014, in which case the report required*
5 *under that paragraph shall be submitted to the commission on or*
6 *before August 14, 2014.*

7 SEC. 5. Section 14522.3 of the Government Code is amended
8 to read:

9 14522.3. The commission shall include in an attachment to
10 each revision of its guidelines prescribed pursuant to Section 14522
11 a summary of the policies, practices, or projects that have been
12 employed by metropolitan planning organizations that promote
13 health and health equity, for the purpose of sharing ideas among
14 transportation planning agencies. The summary attachment may
15 include, but is not limited to, projects that implement any Safe
16 Routes to Schools program, established pursuant to Section 2333.5
17 of the Streets and Highways Code, multiuse recreational trails,
18 pedestrian and bicyclist pathways, and programs that serve
19 transportation needs in rural communities.

20 SEC. 6. Section 14536 of the Government Code is amended
21 to read:

22 14536. (a) The annual report shall include an explanation and
23 summary of major policies and decisions adopted by the
24 commission during the previously completed state and federal
25 fiscal year, with an explanation of any changes in policy associated
26 with the performance of its duties and responsibilities over the
27 past year.

28 (b) The annual report shall include a summary ~~of by the~~
29 ~~assessment of the commission and the Strategic Growth Counsel,~~
30 ~~in collaboration, of progress around the state toward state objectives~~
31 ~~of greenhouse gas emission reductions, from patterns of ongoing~~
32 ~~land developments and transportation investments. commission's~~
33 ~~Committee on Planning on its actions in monitoring the~~
34 ~~implementation and outcomes from the adoption of sustainable~~
35 ~~communities strategies or alternative planning strategies pursuant~~
36 ~~to subdivision (b) of Section 65080. That assessment summary~~
37 shall be informed by the ~~biennial~~ reports submitted to the
38 commission by ~~regional transportation planning agencies pursuant~~
39 ~~to subdivision (b) of Section 14522 and subdivision (c) of Section~~
40 ~~65080, and reports submitted by state agencies pursuant to Section~~

~~75125 of the Public Resources Code~~ *the transportation planning agencies.* The commission may also submit a selection or all of those reports as an appendix to its annual report if it finds that to be necessary for a full understanding of progress.

(c) The annual report may also include a discussion of any significant upcoming transportation issues anticipated to be of concern to the public and the Legislature.

SEC. 7. Section 65080 of the Government Code is amended to read:

65080. (a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials. The regional transportation plan shall consider factors specified in Section 134 of Title 23 of the United States Code. Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities, counties, districts, private organizations, and state and federal agencies.

(b) The regional transportation plan shall be an internally consistent document and shall include all of the following:

(1) A policy element that describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, and pragmatic objective and policy statements. The objective and policy statements shall be consistent with the funding estimates of the financial element. The policy element of transportation planning agencies with populations that exceed 200,000 persons may quantify a set of indicators including, but not limited to, all of the following:

(A) Measures of mobility and traffic congestion, including, but not limited to, daily vehicle hours of delay per capita and vehicle miles traveled per capita.

(B) Measures of road and bridge maintenance and rehabilitation needs, including, but not limited to, roadway pavement and bridge conditions.

1 (C) Measures of means of travel, including, but not limited to,
2 percentage share of all trips (work and nonwork) made by all of
3 the following:

4 (i) Single occupant vehicle.

5 (ii) Multiple occupant vehicle or carpool.

6 (iii) Public transit including commuter rail and intercity rail.

7 (iv) Walking.

8 (v) Bicycling.

9 (D) Measures of safety and security, including, but not limited
10 to, total injuries and fatalities assigned to each of the modes set
11 forth in subparagraph (C).

12 (E) Measures of equity and accessibility, including, but not
13 limited to, percentage of the population served by frequent and
14 reliable public transit, with a breakdown by income bracket, and
15 percentage of all jobs accessible by frequent and reliable public
16 transit service, with a breakdown by income bracket.

17 (F) The requirements of this section may be met utilizing
18 existing sources of information. No additional traffic counts,
19 household surveys, or other sources of data shall be required.

20 (2) A sustainable communities strategy prepared by each
21 metropolitan planning organization as follows:

22 (A) No later than September 30, 2010, the State Air Resources
23 Board shall provide each affected region with greenhouse gas
24 emission reduction targets for the automobile and light truck sector
25 for 2020 and 2035, respectively.

26 (i) No later than January 31, 2009, the state board shall appoint
27 a Regional Targets Advisory Committee to recommend factors to
28 be considered and methodologies to be used for setting greenhouse
29 gas emission reduction targets for the affected regions. The
30 committee shall be composed of representatives of the metropolitan
31 planning organizations, affected air districts, the League of
32 California Cities, the California State Association of Counties,
33 local transportation agencies, and members of the public, including
34 homebuilders, environmental organizations, planning organizations,
35 environmental justice organizations, affordable housing
36 organizations, and others. The advisory committee shall transmit
37 a report with its recommendations to the state board no later than
38 September 30, 2009. In recommending factors to be considered
39 and methodologies to be used, the advisory committee may
40 consider any relevant issues, including, but not limited to, data

1 needs, modeling techniques, growth forecasts, the impacts of
2 regional jobs-housing balance on interregional travel and
3 greenhouse gas emissions, economic and demographic trends, the
4 magnitude of greenhouse gas reduction benefits from a variety of
5 land use and transportation strategies, and appropriate methods to
6 describe regional targets and to monitor performance in attaining
7 those targets. The state board shall consider the report prior to
8 setting the targets.

9 (ii) Prior to setting the targets for a region, the state board shall
10 exchange technical information with the metropolitan planning
11 organization and the affected air district. The metropolitan planning
12 organization may recommend a target for the region. The
13 metropolitan planning organization shall hold at least one public
14 workshop within the region after receipt of the report from the
15 advisory committee. The state board shall release draft targets for
16 each region no later than June 30, 2010.

17 (iii) In establishing these targets, the state board shall take into
18 account greenhouse gas emission reductions that will be achieved
19 by improved vehicle emission standards, changes in fuel
20 composition, and other measures it has approved that will reduce
21 greenhouse gas emissions in the affected regions, and prospective
22 measures the state board plans to adopt to reduce greenhouse gas
23 emissions from other greenhouse gas emission sources as that term
24 is defined in subdivision (i) of Section 38505 of the Health and
25 Safety Code and consistent with the regulations promulgated
26 pursuant to the California Global Warming Solutions Act of 2006
27 (Division 25.5 (commencing with Section 38500) of the Health
28 and Safety Code).

29 (iv) The state board shall update the regional greenhouse gas
30 emission reduction targets every eight years consistent with each
31 metropolitan planning organization's timeframe for updating its
32 regional transportation plan under federal law until 2050. The state
33 board may revise the targets every four years based on changes in
34 the factors considered under clause (iii). The state board shall
35 exchange technical information with the Department of
36 Transportation, metropolitan planning organizations, local
37 governments, and affected air districts and engage in a consultative
38 process with public and private stakeholders prior to updating these
39 targets.

1 (v) The greenhouse gas emission reduction targets may be
2 expressed in gross tons, tons per capita, tons per household, or in
3 any other metric deemed appropriate by the state board.

4 (B) Each metropolitan planning organization shall prepare a
5 sustainable communities strategy, subject to the requirements of
6 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of
7 Federal Regulations, including the requirement to utilize the most
8 recent planning assumptions considering local general plans and
9 other factors. The sustainable communities strategy shall (i)
10 identify the general location of uses, residential densities, and
11 building intensities within the region, (ii) identify areas within the
12 region sufficient to house all the population of the region, including
13 all economic segments of the population, over the course of the
14 planning period of the regional transportation plan taking into
15 account net migration into the region, population growth, household
16 formation, and employment growth, (iii) identify areas within the
17 region sufficient to house an eight-year projection of the regional
18 housing need for the region pursuant to Section 65584, (iv) identify
19 a transportation network to service the transportation needs of the
20 region, (v) gather and consider the best practically available
21 scientific information regarding resource areas and farmland in
22 the region as defined in subdivisions (a) and (b) of Section
23 65080.01, (vi) consider the state housing goals specified in Sections
24 65580 and 65581, (vii) set forth a forecasted development pattern
25 for the region, which, when integrated with the transportation
26 network, and other transportation measures and policies, will
27 reduce the greenhouse gas emissions from automobiles and light
28 trucks to achieve, if there is a feasible way to do so, the greenhouse
29 gas emission reduction targets approved by the state board, and
30 (viii) allow the regional transportation plan to comply with Section
31 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

32 (C) (i) Within the jurisdiction of the Metropolitan
33 Transportation Commission, as defined by Section 66502, the
34 Association of Bay Area Governments shall be responsible for
35 clauses (i), (ii), (iii), (v), and (vi) of subparagraph (B); the
36 Metropolitan Transportation Commission shall be responsible for
37 clauses (iv) and (viii) of subparagraph (B); and the Association of
38 Bay Area Governments and the Metropolitan Transportation
39 Commission shall jointly be responsible for clause (vii) of
40 subparagraph (B).

1 (ii) Within the jurisdiction of the Tahoe Regional Planning
2 Agency, as defined in Sections 66800 and 66801, the Tahoe
3 Metropolitan Planning Organization shall use the Regional Plan
4 for the Lake Tahoe Region as the sustainable community strategy,
5 provided that it complies with clauses (vii) and (viii) of
6 subparagraph (B).

7 (D) In the region served by the multicounty transportation
8 planning agency described in Section 130004 of the Public Utilities
9 Code, a subregional council of governments and the county
10 transportation commission may work together to propose the
11 sustainable communities strategy and an alternative planning
12 strategy, if one is prepared pursuant to subparagraph (I), for that
13 subregional area. The metropolitan planning organization may
14 adopt a framework for a subregional sustainable communities
15 strategy or a subregional alternative planning strategy to address
16 the intraregional land use, transportation, economic, air quality,
17 and climate policy relationships. The metropolitan planning
18 organization shall include the subregional sustainable communities
19 strategy for that subregion in the regional sustainable communities
20 strategy to the extent consistent with this section and federal law
21 and approve the subregional alternative planning strategy, if one
22 is prepared pursuant to subparagraph (I), for that subregional area
23 to the extent consistent with this section. The metropolitan planning
24 organization shall develop overall guidelines, create public
25 participation plans pursuant to subparagraph (F), ensure
26 coordination, resolve conflicts, make sure that the overall plan
27 complies with applicable legal requirements, and adopt the plan
28 for the region.

29 (E) The metropolitan planning organization shall conduct at
30 least two informational meetings in each county within the region
31 for members of the board of supervisors and city councils on the
32 sustainable communities strategy and alternative planning strategy,
33 if any. The metropolitan planning organization may conduct only
34 one informational meeting if it is attended by representatives of
35 the county board of supervisors and city council members
36 representing a majority of the cities representing a majority of the
37 population in the incorporated areas of that county. Notice of the
38 meeting or meetings shall be sent to the clerk of the board of
39 supervisors and to each city clerk. The purpose of the meeting or
40 meetings shall be to discuss the sustainable communities strategy

1 and the alternative planning strategy, if any, including the key land
2 use and planning assumptions to the members of the board of
3 supervisors and the city council members in that county and to
4 solicit and consider their input and recommendations.

5 (F) Each metropolitan planning organization shall adopt a public
6 participation plan, for development of the sustainable communities
7 strategy and an alternative planning strategy, if any, that includes
8 all of the following:

9 (i) Outreach efforts to encourage the active participation of a
10 broad range of stakeholder groups in the planning process,
11 consistent with the agency's adopted Federal Public Participation
12 Plan, including, but not limited to, affordable housing advocates,
13 transportation advocates, neighborhood and community groups,
14 environmental advocates, home builder representatives,
15 broad-based business organizations, landowners, commercial
16 property interests, and homeowner associations.

17 (ii) Consultation with congestion management agencies,
18 transportation agencies, and transportation commissions.

19 (iii) Workshops throughout the region to provide the public with
20 the information and tools necessary to provide a clear
21 understanding of the issues and policy choices. At least one
22 workshop shall be held in each county in the region. For counties
23 with a population greater than 500,000, at least three workshops
24 shall be held. Each workshop, to the extent practicable, shall
25 include urban simulation computer modeling to create visual
26 representations of the sustainable communities strategy and the
27 alternative planning strategy.

28 (iv) Preparation and circulation of a draft sustainable
29 communities strategy and an alternative planning strategy, if one
30 is prepared, not less than 55 days before adoption of a final regional
31 transportation plan.

32 (v) At least three public hearings on the draft sustainable
33 communities strategy in the regional transportation plan and
34 alternative planning strategy, if one is prepared. If the metropolitan
35 transportation organization consists of a single county, at least two
36 public hearings shall be held. To the maximum extent feasible, the
37 hearings shall be in different parts of the region to maximize the
38 opportunity for participation by members of the public throughout
39 the region.

1 (vi) A process for enabling members of the public to provide a
2 single request to receive notices, information, and updates.

3 (G) In preparing a sustainable communities strategy, the
4 metropolitan planning organization shall consider spheres of
5 influence that have been adopted by the local agency formation
6 commissions within its region.

7 (H) Prior to adopting a sustainable communities strategy, the
8 metropolitan planning organization shall quantify the reduction in
9 greenhouse gas emissions projected to be achieved by the
10 sustainable communities strategy and set forth the difference, if
11 any, between the amount of that reduction and the target for the
12 region established by the state board.

13 (I) If the sustainable communities strategy, prepared in
14 compliance with subparagraph (B) or (D), is unable to reduce
15 greenhouse gas emissions to achieve the greenhouse gas emission
16 reduction targets established by the state board, the metropolitan
17 planning organization shall prepare an alternative planning strategy
18 to the sustainable communities strategy showing how those
19 greenhouse gas emission targets would be achieved through
20 alternative development patterns, infrastructure, or additional
21 transportation measures or policies. The alternative planning
22 strategy shall be a separate document from the regional
23 transportation plan, but it may be adopted concurrently with the
24 regional transportation plan. In preparing the alternative planning
25 strategy, the metropolitan planning organization:

26 (i) Shall identify the principal impediments to achieving the
27 targets within the sustainable communities strategy.

28 (ii) May include an alternative development pattern for the
29 region pursuant to subparagraphs (B) to (G), inclusive.

30 (iii) Shall describe how the greenhouse gas emission reduction
31 targets would be achieved by the alternative planning strategy, and
32 why the development pattern, measures, and policies in the
33 alternative planning strategy are the most practicable choices for
34 achievement of the greenhouse gas emission reduction targets.

35 (iv) An alternative development pattern set forth in the
36 alternative planning strategy shall comply with Part 450 of Title
37 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
38 except to the extent that compliance will prevent achievement of
39 the greenhouse gas emission reduction targets approved by the
40 state board.

1 (v) For purposes of the California Environmental Quality Act
2 (Division 13 (commencing with Section 21000) of the Public
3 Resources Code), an alternative planning strategy shall not
4 constitute a land use plan, policy, or regulation, and the
5 inconsistency of a project with an alternative planning strategy
6 shall not be a consideration in determining whether a project may
7 have an environmental effect.

8 (J) (i) Prior to starting the public participation process adopted
9 pursuant to subparagraph (F), the metropolitan planning
10 organization shall submit a description to the state board of the
11 technical methodology it intends to use to estimate the greenhouse
12 gas emissions from its sustainable communities strategy and, if
13 appropriate, its alternative planning strategy. The state board shall
14 respond to the metropolitan planning organization in a timely
15 manner with written comments about the technical methodology,
16 including specifically describing any aspects of that methodology
17 it concludes will not yield accurate estimates of greenhouse gas
18 emissions, and suggested remedies. The metropolitan planning
19 organization is encouraged to work with the state board until the
20 state board concludes that the technical methodology operates
21 accurately.

22 (ii) After adoption, a metropolitan planning organization shall
23 submit a sustainable communities strategy or an alternative
24 planning strategy, if one has been adopted, to the state board for
25 review, including the quantification of the greenhouse gas emission
26 reductions the strategy would achieve and a description of the
27 technical methodology used to obtain that result. Review by the
28 state board shall be limited to acceptance or rejection of the
29 metropolitan planning organization's determination that the strategy
30 submitted would, if implemented, achieve the greenhouse gas
31 emission reduction targets established by the state board. The state
32 board shall complete its review within 60 days.

33 (iii) If the state board determines that the strategy submitted
34 would not, if implemented, achieve the greenhouse gas emission
35 reduction targets, the metropolitan planning organization shall
36 revise its strategy or adopt an alternative planning strategy, if not
37 previously adopted, and submit the strategy for review pursuant
38 to clause (ii). At a minimum, the metropolitan planning
39 organization must obtain state board acceptance that an alternative
40 planning strategy would, if implemented, achieve the greenhouse

1 gas emission reduction targets established for that region by the
2 state board.

3 (K) Neither a sustainable communities strategy nor an alternative
4 planning strategy regulates the use of land, nor, except as provided
5 by subparagraph (J), shall either one be subject to any state
6 approval. Nothing in a sustainable communities strategy shall be
7 interpreted as superseding the exercise of the land use authority
8 of cities and counties within the region. Nothing in this section
9 shall be interpreted to limit the state board's authority under any
10 other provision of law. Nothing in this section shall be interpreted
11 to authorize the abrogation of any vested right whether created by
12 statute or by common law. Nothing in this section shall require a
13 city's or county's land use policies and regulations, including its
14 general plan, to be consistent with the regional transportation plan
15 or an alternative planning strategy. Nothing in this section requires
16 a metropolitan planning organization to approve a sustainable
17 communities strategy that would be inconsistent with Part 450 of
18 Title 23 of, or Part 93 of Title 40 of, the Code of Federal
19 Regulations and any administrative guidance under those
20 regulations. Nothing in this section relieves a public or private
21 entity or any person from compliance with any other local, state,
22 or federal law.

23 (L) Nothing in this section requires projects programmed for
24 funding on or before December 31, 2011, to be subject to the
25 provisions of this paragraph if they (i) are contained in the 2007
26 or 2009 Federal Statewide Transportation Improvement Program,
27 (ii) are funded pursuant to Chapter 12.49 (commencing with
28 Section 8879.20) of Division 1 of Title 2, or (iii) were specifically
29 listed in a ballot measure prior to December 31, 2008, approving
30 a sales tax increase for transportation projects. Nothing in this
31 section shall require a transportation sales tax authority to change
32 the funding allocations approved by the voters for categories of
33 transportation projects in a sales tax measure adopted prior to
34 December 31, 2010. For purposes of this subparagraph, a
35 transportation sales tax authority is a district, as defined in Section
36 7252 of the Revenue and Taxation Code, that is authorized to
37 impose a sales tax for transportation purposes.

38 (M) A metropolitan planning organization, or a regional
39 transportation planning agency not within a metropolitan planning
40 organization, that is required to adopt a regional transportation

1 plan not less than every five years, may elect to adopt the plan not
2 less than every four years. This election shall be made by the board
3 of directors of the metropolitan planning organization or regional
4 transportation planning agency no later than June 1, 2009, or
5 thereafter 54 months prior to the statutory deadline for the adoption
6 of housing elements for the local jurisdictions within the region,
7 after a public hearing at which comments are accepted from
8 members of the public and representatives of cities and counties
9 within the region covered by the metropolitan planning
10 organization or regional transportation planning agency. Notice
11 of the public hearing shall be given to the general public and by
12 mail to cities and counties within the region no later than 30 days
13 prior to the date of the public hearing. Notice of election shall be
14 promptly given to the Department of Housing and Community
15 Development. The metropolitan planning organization or the
16 regional transportation planning agency shall complete its next
17 regional transportation plan within three years of the notice of
18 election.

19 (N) Two or more of the metropolitan planning organizations
20 for Fresno County, Kern County, Kings County, Madera County,
21 Merced County, San Joaquin County, Stanislaus County, and
22 Tulare County may work together to develop and adopt
23 multiregional goals and policies that may address interregional
24 land use, transportation, economic, air quality, and climate
25 relationships. The participating metropolitan planning organizations
26 may also develop a multiregional sustainable communities strategy,
27 to the extent consistent with federal law, or an alternative planning
28 strategy for adoption by the metropolitan planning organizations.
29 Each participating metropolitan planning organization shall
30 consider any adopted multiregional goals and policies in the
31 development of a sustainable communities strategy and, if
32 applicable, an alternative planning strategy for its region.

33 (3) An action element that describes the programs and actions
34 necessary to implement the plan and assigns implementation
35 responsibilities. The action element may describe all transportation
36 projects proposed for development during the 20-year or greater
37 life of the plan. The action element shall consider congestion
38 management programming activities carried out within the region.

39 (4) (A) A financial element that summarizes the cost of plan
40 implementation constrained by a realistic projection of available

1 revenues. The financial element shall also contain
2 recommendations for allocation of funds. A county transportation
3 commission created pursuant to Section 130000 of the Public
4 Utilities Code shall be responsible for recommending projects to
5 be funded with regional improvement funds, if the project is
6 consistent with the regional transportation plan. The first five years
7 of the financial element shall be based on the five-year estimate
8 of funds developed pursuant to Section 14524. The financial
9 element may recommend the development of specified new sources
10 of revenue, consistent with the policy element and action element.

11 (B) The financial element of transportation planning agencies
12 with populations that exceed 200,000 persons may include a project
13 cost breakdown for all projects proposed for development during
14 the 20-year life of the plan that includes total expenditures and
15 related percentages of total expenditures for all of the following:

- 16 (i) State highway expansion.
- 17 (ii) State highway rehabilitation, maintenance, and operations.
- 18 (iii) Local road and street expansion.
- 19 (iv) Local road and street rehabilitation, maintenance, and
20 operation.
- 21 (v) Mass transit, commuter rail, and intercity rail expansion.
- 22 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
23 maintenance, and operations.
- 24 (vii) Pedestrian and bicycle facilities.
- 25 (viii) Environmental enhancements and mitigation.
- 26 (ix) Research and planning.
- 27 (x) Other categories.

28 (C) The metropolitan planning organization or county
29 transportation agency, whichever entity is appropriate, shall
30 consider financial incentives for cities and counties that have
31 resource areas or farmland, as defined in Section 65080.01, for
32 the purposes of, for example, transportation investments for the
33 preservation and safety of the city street or county road system
34 and farm-to-market and interconnectivity transportation needs.
35 The metropolitan planning organization or county transportation
36 agency, whichever entity is appropriate, shall also consider
37 financial assistance for counties to address countywide service
38 responsibilities in counties that contribute toward the greenhouse
39 gas emission reduction targets by implementing policies for growth
40 to occur within their cities.

1 (c) Each transportation planning agency may also include other
2 factors of local significance as an element of the regional
3 transportation plan, including, but not limited to, issues of mobility
4 for specific sectors of the community, including, but not limited
5 to, senior citizens.

6 (d) Except as otherwise provided in this subdivision, each
7 transportation planning agency shall adopt and submit, every four
8 years, an updated regional transportation plan to the California
9 Transportation Commission and the Department of Transportation.
10 A transportation planning agency located in a federally designated
11 air quality attainment area or that does not contain an urbanized
12 area may at its option adopt and submit a regional transportation
13 plan every five years. When applicable, the plan shall be consistent
14 with federal planning and programming requirements and shall
15 conform to the regional transportation plan guidelines adopted by
16 the California Transportation Commission. Prior to adoption of
17 the regional transportation plan, a public hearing shall be held after
18 the giving of notice of the hearing by publication in the affected
19 county or counties pursuant to Section 6061.

20 (e) ~~(1) Each regional transportation planning agency that~~
21 ~~prepares a sustainable communities strategy or alternative planning~~
22 ~~strategy pursuant to paragraph (2) of subdivision (b) shall prepare~~
23 ~~and submit, biennially, starting on or before October 15, 2014, to~~
24 ~~the California Transportation Commission, as required pursuant~~
25 ~~to subdivision (b) of Section 14522, a brief report describing the~~
26 ~~regions's region's progress in implementing its sustainable~~
27 ~~communities strategy or alternative planning strategy. The report~~
28 ~~shall include an assessment of progress made, along with any~~
29 ~~challenges the region is facing, with respect to its ability to~~
30 ~~implement policies and projects that were set forth in its sustainable~~
31 ~~communities strategy. In the region served by the multicounty~~
32 ~~transportation planning agency described in Section 130004 of the~~
33 ~~Public Utilities Code, the report shall be prepared for each~~
34 ~~subregional area using a similar process to the process outlined in~~
35 ~~subparagraph (D) of paragraph (2) of subdivision (b), as it applies~~
36 ~~to development of the sustainable communities strategy or~~
37 ~~alternative planning strategy.~~

38 ~~(2) The report submitted pursuant to paragraph (1) and any~~
39 ~~provision contained in the report shall not be binding on future~~
40 ~~regional transportation plans prepared, or funding decisions made,~~

1 ~~by the regional transportation planning agency or a county~~
2 ~~transportation commission, and shall not constitute an alternative~~
3 ~~under, or a foundation for, future analysis under the California~~
4 ~~Environmental Quality Act (Division 13 (commencing with Section~~
5 ~~21000) of the Public Resources Code).~~

6 SEC. 8. Section 65082 of the Government Code is amended
7 to read:

8 65082. (a) (1) A five-year regional transportation improvement
9 program shall be prepared, adopted, and submitted to the California
10 Transportation Commission on or before December 15 of each
11 odd-numbered year thereafter, updated every two years, pursuant
12 to Sections 65080 and 65080.5 and the guidelines adopted pursuant
13 to Section 14530.1, to include regional transportation improvement
14 projects and programs proposed to be funded, in whole or in part,
15 in the state transportation improvement program.

16 (2) Major projects shall include current costs updated as of
17 November 1 of the year of submittal and escalated to the
18 appropriate year, and be listed by relative priority, taking into
19 account need, delivery milestone dates, and the availability of
20 funding.

21 (b) Except for those counties that do not prepare a congestion
22 management program pursuant to Section 65088.3, congestion
23 management programs adopted pursuant to Section 65089 shall
24 be incorporated into the regional transportation improvement
25 program submitted to the commission by December 15 of each
26 odd-numbered year.

27 (c) Local projects not included in a congestion management
28 program shall not be included in the regional transportation
29 improvement program. Projects and programs adopted pursuant
30 to subdivision (a) shall be consistent with the capital improvement
31 program adopted pursuant to paragraph (5) of subdivision (b) of
32 Section 65089, and the guidelines adopted pursuant to Section
33 14530.1.

34 (d) Other projects may be included in the regional transportation
35 improvement program if listed separately.

36 (e) Unless a county not containing urbanized areas of over
37 50,000 population notifies the Department of Transportation by
38 July 1 that it intends to prepare a regional transportation
39 improvement program for that county, the department shall, in

1 consultation with the affected local agencies, prepare the program
2 for all counties for which it prepares a regional transportation plan.

3 (f) The requirements for incorporating a congestion management
4 program into a regional transportation improvement program
5 specified in this section do not apply in those counties that do not
6 prepare a congestion management program in accordance with
7 Section 65088.3.

8 (g) The regional transportation improvement program may
9 include a reserve of county shares for providing funds in order to
10 match federal funds.

11 (h) (1) The regional transportation improvement program shall
12 include a discussion of how it relates to the region's sustainable
13 communities strategy *or alternative planning strategy* adopted
14 pursuant to paragraph (2) of subdivision (b) of Section 65080, for
15 those regions required to prepare a sustainable communities
16 strategy *or alternative planning strategy*.

17 *The discussion included in the regional transportation*
18 *improvement program pursuant to paragraph (1) shall not be*
19 *binding on future regional transportation improvement programs*
20 *prepared, or funding decisions made, by the regional*
21 *transportation planning agency or a county transportation*
22 *commission, and shall not constitute an alternative, or a foundation*
23 *for future analysis, under the California Environmental Quality*
24 *Act (Division 13 (commencing with Section 21000) of the Public*
25 *Resources Code.*

26 ~~SEC. 9. Section 75125 of the Public Resources Code is~~
27 ~~amended to read:~~

28 ~~75125. The council shall do all of the following:~~

29 ~~(a) Identify and review activities and funding programs of~~
30 ~~member state agencies that may be coordinated to improve air and~~
31 ~~water quality, improve natural resource protection, increase the~~
32 ~~availability of affordable housing, improve transportation, meet~~
33 ~~the goals of the California Global Warming Solutions Act of 2006~~
34 ~~(Division 25.5 (commencing with Section 38500) of the Health~~
35 ~~and Safety Code), encourage sustainable land use planning, and~~
36 ~~revitalize urban and community centers in a sustainable manner.~~
37 ~~The council shall report annually by August 15, at a public hearing,~~
38 ~~to the California Transportation Commission on the steps it has~~
39 ~~taken in that regard. The council shall also review and comment~~
40 ~~on the five-year infrastructure plan developed pursuant to Article~~

1 ~~2 (commencing with Section 13100) of Chapter 2 of Part 3 of~~
2 ~~Division 3 of the Government Code and the State Environmental~~
3 ~~Goals and Policy Report developed pursuant to Section 65041 of~~
4 ~~the Government Code.~~

5 ~~(b) Recommend policies and investment strategies and priorities~~
6 ~~to the Governor, the Legislature, and to appropriate state agencies~~
7 ~~to encourage the development of sustainable communities, such~~
8 ~~as those communities that promote equity, strengthen the economy,~~
9 ~~protect the environment, and promote public health and safety,~~
10 ~~consistent with subdivisions (a) and (c) of Section 75065.~~

11 ~~(c) Provide, fund, and distribute data and information to local~~
12 ~~governments and regional agencies that will assist in developing~~
13 ~~and planning sustainable communities.~~

14 ~~(d) Manage and award grants and loans to support the planning~~
15 ~~and development of sustainable communities, pursuant to Sections~~
16 ~~75127, 75128, and 75129. To implement this subdivision, the~~
17 ~~council may do all of the following:~~

18 ~~(1) Develop guidelines for awarding financial assistance,~~
19 ~~including criteria for eligibility and additional consideration.~~

20 ~~(2) Develop criteria for determining the amount of financial~~
21 ~~assistance to be awarded. The council shall award a revolving loan~~
22 ~~to an applicant for a planning project, unless the council determines~~
23 ~~that the applicant lacks the fiscal capacity to carry out the project~~
24 ~~without a grant. The council may establish criteria that would allow~~
25 ~~the applicant to illustrate an ongoing commitment of financial~~
26 ~~resources to ensure the completion of the proposed plan or project.~~

27 ~~(3) Provide for payments of interest on loans made pursuant to~~
28 ~~this article. The rate of interest shall not exceed the rate earned by~~
29 ~~the Pooled Money Investment Board.~~

30 ~~(4) Provide for the time period for repaying a loan made~~
31 ~~pursuant to this article.~~

32 ~~(5) Provide for the recovery of funds from an applicant that fails~~
33 ~~to complete the project for which financial assistance was awarded.~~
34 ~~The council shall direct the Controller to recover funds by any~~
35 ~~available means.~~

36 ~~(6) Provide technical assistance for application preparation.~~

37 ~~(7) Designate a state agency or department to administer~~
38 ~~technical and financial assistance programs for the disbursing of~~
39 ~~grants and loans to support the planning and development of~~

1 sustainable communities, pursuant to Sections 75127, 75128, and
2 75129.

3 (e) ~~No later than July 1, 2010, and every year thereafter, provide~~
4 ~~a report to the Legislature that shall include, but is not limited to,~~
5 ~~all of the following:~~

6 ~~(1) A list of applicants for financial assistance.~~

7 ~~(2) Identification of which applications were approved.~~

8 ~~(3) The amounts awarded for each approved application.~~

9 ~~(4) The remaining balance of available funds.~~

10 ~~(5) A report on the proposed or ongoing management of each~~
11 ~~funded project.~~

12 ~~(6) Any additional minimum requirements and priorities for a~~
13 ~~project or plan proposed in a grant or loan application developed~~
14 ~~and adopted by the council pursuant to subdivision (c) of Section~~
15 ~~75126.~~

16 ~~SEC. 10.~~

17 *SEC. 9.* If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.